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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,836	10/26/2005	Hermann Wimmer	034691/291471	3762
826	7590	08/09/2007		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER MCCALL, ERIC SCOTT	
			ART UNIT 2855	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,836

Applicant(s)

WIMMER, HERMANN

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61,68-74 and 76-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61,68-74 and 76-80 is/are rejected.
- 7) ☒ Claim(s) 81-83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

TEST STAND FOR MOTOR VEHICLES

NON-FINAL OFFICE ACTION

In response to the Applicant's Request for Continued Examination dated July 18, 2007.

SPECIFICATION

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The Applicant's cooperation is requested in correcting any errors of which the Applicant may become aware of in the specification.

CLAIMS

35 U.S.C. § 102

Based on the Applicant's amendments, the claim rejection under 35 U.S.C. 102(c) over Yamakado et al. (6,427,528) as set forth in the previous office action has been overcome.

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 61, 68-74, and 76-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeninger (2003/0209061) in view of Yamakado et al. (6,427,528).

With respect to lone independent claim 78, Schoeninger clearly suggests a test stand for motor vehicles comprising:

a mounting frame,

a roller assembly mounted to the mounting frame so as to permit at least slight movement in each of at least two degrees of freedom relative to the mounting frame (Fig. 1), with said roller assembly comprising at least two parallel rollers (Fig. 3), and wherein the at least two degrees of freedom include a first degree of movement corresponding to a horizontal direction of travel along which the vehicle is adapted to move and a second degree of movement corresponding to a horizontal direction which is transverse to the direction of travel, and a drive for rotating the rollers (page 3, paragraph 34), and

sensor means for measuring the force between the roller assembly and the mounting frame in each of the two degrees of freedom (page 1, paragraphs 6-8).

However, Schoeninger does not set forth an endless belt extending about the peripheries of the rollers so as to form a rotatable contact surface positioned to support a rolling wheel of a motor vehicle thereupon.

Yamakado et al. do set forth an endless belt extending about the peripheries of the rollers so as to form a rotatable contact surface positioned to support a rolling wheel of a motor vehicle thereupon.

As such, it would have been obvious to one having ordinary skill in the art armed with said teachings to incorporate an endless belt as taught by Yamakado et al. with the teaching of Schoeninger.

The motivation being that Schoeninger sets forth that the rotation of a vehicle wheel on rollers is known. Yamakado et al. set forth that the use of an endless belt about the peripheries of such rollers is known. Thus, in view of the recent court decision of *KSR International Co. vs. Teleflex, Inc.*, it would be within the realm of one having ordinary skill in the art to incorporate an endless belt around the peripheries of the rollers of Schoeninger.

With respect to dependent claim 61, Schoeninger sets forth a drive that at a minimum is permitted to brake.

With respect to claim 68, Schoeninger sets forth a roller assembly comprising three or more parallel rollers (46, 105, & 112).

With respect to claim 70, Yamakado et al. suggest an arrangement of rollers mounted to the frame so as to underlie and support the upper surface of the endless belt. If not, the apparatus of Yamakado would not be operable.

With respect to claim 71, Schoeninger suggests a guide means (66) for absorbing lateral forces during operation of the test stand.

With respect to claim 79, Schoeninger sets forth a layout as claimed.

With respect to claim 80, Schoeninger sets forth that the roller assembly is mounted to the mounting frame to permit at least slight movement relative to the mounting frame about a third degree of movement corresponding to the angle of rotation about a vertical axis, and wherein the sensor means is configured for measuring the angle of rotation about said axis (see Fig. 1).

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Allowable Subject Matter

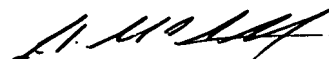
Claims 81-83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric S. McCall
Primary Examiner
AU 2855
Aug. 03, 2007